

HOUSE BILL NO. 123

INTRODUCED BY T. FACEY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT THE POLITICAL PARTY OF A CANDIDATE FOR PARTISAN OFFICE BE PRINTED WITHIN SIZE-OF-PRINT LIMITS ON CERTAIN CAMPAIGN LITERATURE; AND AMENDING SECTION 13-35-225, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-35-225, MCA, is amended to read:

"13-35-225. Election materials not to be anonymous -- statement of accuracy -- party affiliation.

(1) All communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, internet website, or other form of general political advertising must clearly and conspicuously include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication. ~~When~~ Whenever a candidate or a candidate's campaign finances the expenditure, the attribution must be the name and the address of the candidate or the candidate's campaign. In the case of a political committee, the attribution must be the name of the committee, the name of the committee treasurer, and the address of the committee or the committee treasurer.

(2) (a) Communications in a partisan election financed by a candidate or a political committee organized on the candidate's behalf must state the candidate's party affiliation or, except as provided in subsection (2)(b), include the party symbol.

(b) If the communication is campaign literature that is 180 square inches or larger and the literature contains the name of the candidate, the political party of the candidate must be printed in the literature in a print size no smaller than one-sixth of the print size used for the candidate's name. If more than one print size is used for the candidate's name, the political party of the candidate must be printed in a print size no smaller than one-sixth of the largest print size used for the candidate's name.

(3) (a) Printed election material described in subsection (1) that includes information about another candidate's voting record must include:

(i) a reference to the particular vote or votes upon which the information is based;

1 (ii) a disclosure of contrasting votes known to have been made by the candidate on the same issue if
2 closely related in time; and

3 (iii) a statement, signed as provided in subsection (3)(b), that to the best of the signer's knowledge, the
4 statements made about the other candidate's voting record are accurate and true.

5 (b) The statement required under subsection (3)(a) must be signed:

6 (i) by the candidate if the election material was prepared for the candidate or the candidate's political
7 committee and includes information about another candidate's voting record; or

8 (ii) by the person financing the communication or the person's legal agent if the election material was
9 not prepared for a candidate or a candidate's political committee.

10 (4) If a document or other article of advertising is too small for the requirements of subsections (1)
11 through (3) to be conveniently included, the candidate responsible for the material or the person financing the
12 communication shall file a copy of the article with the commissioner of political practices, together with the
13 required information or statement, at the time of its public distribution.

14 (5) If information required in subsections (1) through (3) is omitted or not printed, upon discovery of or
15 notification about the omission, the candidate responsible for the material or the person financing the
16 communication shall:

17 (a) file notification of the omission with the commissioner of political practices within 5 days of the
18 discovery or notification;

19 (b) bring the material into compliance with subsections (1) through (3); and

20 (c) withdraw any noncompliant communication from circulation as soon as reasonably possible."

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